

**REMARKS**

This Amendment, filed in reply to the Office Action dated June 24, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-20 remain pending in the application. Claims 6-20 remain allowed. Claims 1-5 have been rejected under 35 U.S.C. § 103 as being unpatentable over Hara in view of Hilton (U.S.P. 5,452,416). To expedite prosecution of this case, Applicant amends claim 2 in independent form and rewrites the dependencies of claims 3-5. The amendments should be entered because they raise no new issues. Applicant further submits arguments in traversal of the rejections of claims 2-5.

Applicant's invention relates to an image sending apparatus. As an exemplary feature of the invention, additional information is associated with the image to facilitate the management of data transmission of the image. The additional information can include several classes of information including patient information or medical information such as the type of examination associated with the image. Broadly construed, the image data is associated with such additional information. In an exemplary embodiment, the control of transmission can be made based on such additional information. As an example, the accompanying information of the image can be moved to an "unnecessary" image area to designate a type of control over the image. As another example, medical examination information for an image can specify whether an image is to be transferred based on the status of unnecessary information for an image with the same medical examination information.

The Examiner contends that Hara and Hilton teach each aspect of claim 2. Claim 2 describes that unnecessary image designation is provided by moving the accompanying information of the image to an unnecessary image list on the display means. The Examiner relies on Hara to teach this aspect of the claim. In particular, the Examiner refers to 1) the placement of image data into a buffer, 2) the assignment of indices to the images, and 3) the designation of the images by the indices as image data not to transferred, as corresponding to the recited feature. Applicant submits that the identification of an image in a buffer, such as by indices, does not comprise moving the information to an area of the display as unnecessary image data. The mere fact that image transmission is controlled by the indices does not require the movement about a display device as described by claim 2. Therefore, Applicant submits that claim 2 is allowable.

Claims 3-5 are patentable at least based on their dependency. The Examiner has also failed to rebut any prior submitted arguments in connection with the patentability of these claims.

With further regard to claim 3, this claim describes that data is not be transmitted or sent based on medical information. In particular, an image having medical information which is the same as medical information of an image designated as unnecessary is not sent. Claim 3 effectively determines groupings of whether data should be transmitted based on medical information of the image information. The Examiner cites an adjustment of a delay time as corresponding to the features of claim 3. However, the adjustment of a delay time to allow an operator to judge a quality of an image does not comprise determining whether to transmit data

based on the image medical information in relation to medical information of unnecessary image data. Therefore, claim 3 is patentable for this additional reason.

With further regard to claim 5, this claim describes that designation of medical information as unnecessary can be cancelled. In other words, an image designated as unnecessary can have its unnecessary designation cancelled. The Examiner cites the control of transmission by indices as corresponding to the cited portion. However, in Hara, once an image is designated as a “non transmit” image, it is never transmitted. Col. 4, lines 50-56. There is no cancellation of the unnecessary image designation in Hara. Therefore, claim 5 is patentable for this additional reason.

The newly cited art, Hilton, relates to data presentation and not transmission. Therefore, Hilton does not make up for the deficiencies of Hara.

As exemplary features of the invention, Applicant submits illustrations of the exemplary embodiment to explain the invention without unduly limiting the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.116  
Appln. No.: 09/686,371

**Attorney Docket No.: Q61173**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

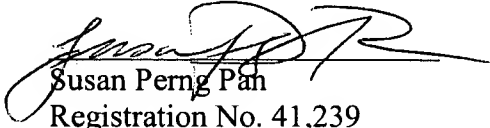
Respectfully submitted,

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**23373**

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Date: October 24, 2005